

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DAVID TYLER MOSS AND
BRANDON KEATING

Plaintiffs,

Vs.

**MARKO PRINCIP,
Individually, MARKO
PRINCIP d/b/a
VIDEOGAMES YOUTUBE
CHANNEL, MARKO
PRINCIP
d/b/a ACHIEVEMENT
GUIDE, MARKO PRINCIP
d/b/a GAME GUIDE, LLC,
VIDEOGAMES YOUTUBE
CHANNEL,
AND BRIAN MARTIN**

Defendants.

**CIVIL ACTION NO.
3:14-CV-03088-M
(JURY)**

DEFENDANT BRIAN MARTIN'S RESPONSE TO PLAINTIFF'S SANCTIONS
REQUEST PER FRCP 11 AND/OR VIOLATION OF A COURT ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant BRIAN MARTIN and his attorney of record Robert D. Wilson files this Response to Plaintiff's Sanctions Request and/or Violation of a Court Order and would respectfully show the Court as follows:

All documents referred to in this matter are previously on file with the Court and will not be filed again to avoid the needless accumulation of the same documents. Defendant and his attorney of record Robert D. Wilson would show the Court the following:

I.

1. On April 1, 2016, the Court, after a Plaintiff jury verdict in excess of \$24 million dollars advised Defendants “do not do anything to harm the Video Games You Tube Channel.”
2. **Immediately after the trial, Plaintiffs and their attorneys advised social media with pictures, instagrams & twitter statements of their “20 million dollar verdict against Defendants and that Plaintiff’s NOW OWN Youtube.com/VideoGames!”**Exhibit 1, 2
3. Defendant Brian Martin, *also exercising his “free speech”* protected under the United States Constitution and an “April Fool’s Day” joke tweeted “VG Directors(which is a group of approximately 10 content providers to the channel) “send me porn for submission to the Channel.”
4. No porn was ever sent, uploaded or viewed on the “domain name” of the Channel by Defendant Brian Martin.
5. Defendant Brian Martin has NOT done anything, nor will he to adversely affect the revenue stream of VideoGames You Tube Channel.
6. Defendant Brian Martin is aware of his right to appeal the jury verdict, whether by JNOV to this Court or directly to the 5th Circuit Court of Appeals after entry of the judgment.
7. Defendant Brian Martin will continue to follow any additional Orders of this Court until this litigation is concluded.

CONCLUSION

For the reasons set out above, Defendant BRIAN MARTIN respectfully request this Honorable Court to deny Plaintiff's requested relief and conclude that his "free speech" comments were taken out of context and Defendant has NO intent to destroy the VideoGames YouTube Channel that he has managed for the past 4 years.

Respectfully submitted,

/s/ Robert D. Wilson

ROBERT D. WILSON

Texas State Bar # 00789823

Law offices of Robert D. Wilson, PC

18111 Preston Road STE 150

Dallas, Texas 75252

Ofc: (214) 637-8866

Fax: (214) 637-2702

rwilson@wilsonlawtexas.com

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April 2016 in compliance with the Federal Rules of Civil Procedure, I electronically filed the foregoing Defendant Brian Martin's Response with the Clerk of the Court using the CM/ECF system which will send notification of such filings to the following attorneys who are known to represent the United States of America and the corresponding Plaintiff's counsel.

/s/ Robert D. Wilson

—

Robert D. Wilson, Attorney for Defendant

BRIAN MARTIN

For Plaintiffs:

Mr. Dan Wyde

Mr. Victor Vital